

[DISCUSSION DRAFT]

112TH CONGRESS
2^D SESSION

H. R. _____

To create the O&C Trust to assume management responsibilities over certain of the revested Oregon and California Railroad Grant lands while also transferring certain of the Oregon and California Railroad Grant lands to the Forest Service, to deal with the reconveyed Coos Bay Wagon Road Grant lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO (for himself, Mr. WALDEN, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on

A BILL

To create the O&C Trust to assume management responsibilities over certain of the revested Oregon and California Railroad Grant lands while also transferring certain of the Oregon and California Railroad Grant lands to the Forest Service, to deal with the reconveyed Coos Bay Wagon Road Grant lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “O&C Trust, Conservation, and Jobs Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEFINITIONS

Sec. 101. Definitions.

TITLE II—O&C TRUST, CONSERVATION, AND JOBS

Subtitle A—Creation and Terms of O&C TRUST

- Sec. 211. Creation of O&C Trust and designation of O&C Trust lands.
- Sec. 212. Legal effect of O&C Trust and judicial review.
- Sec. 213. Board of Trustees.
- Sec. 214. Management of O&C Trust lands.
- Sec. 215. Payments to O&C Trust counties.
- Sec. 216. Land exchange authority.
- Sec. 217. Payments to the United States Treasury.
- Sec. 218. Continued treatment of O&C Trust lands as Federal land for certain purposes.

Subtitle B—Transfer of Certain Lands to Forest Service

- Sec. 231. Transfer of certain Oregon and California Railroad Grant lands to Forest Service.
- Sec. 232. Management of transferred lands by Forest Service.
- Sec. 233. Management efficiencies and expedited land exchanges.
- Sec. 234. Scientific review panel and old growth protection.
- Sec. 235. Uniqueness of old growth protection on Oregon and California Railroad Grant lands.

Subtitle C—Transition

- Sec. 251. Transition period and operations.
- Sec. 252. Forest trust management loan authorization.
- Sec. 253. Existing Bureau of Land Management and Forest Service contracts.
- Sec. 254. Protection of valid existing rights and access to non-Federal land.
- Sec. 255. Assistance for displaced Federal employees.
- Sec. 256. Deauthorization of certain Bureau of Land Management accounts and authorization of new Forest Service accounts.
- Sec. 257. Repeal of superseded law relating to Oregon and California Railroad Grant lands.

TITLE III—COOS BAY WAGON ROADS

- Sec. 301. Transfer of management authority over certain Coos Bay Wagon Road Grant lands to Coos County, Oregon.

- Sec. 302. Transfer of certain Coos Bay Wagon Road Grant lands to Forest Service.
- Sec. 303. Land exchange authority.
- Sec. 304. Continued treatment of Coos Bay Wagon Road Grant lands as Federal land for certain purposes.

TITLE IV—NATIONAL MONUMENT DESIGNATION

- Sec. 401. Limitation on designation of national monuments on certain lands in Oregon.

TITLE V—OREGON TREASURES

Subtitle A—Wilderness Areas

- Sec. 501. Designation of Devil’s Staircase Wilderness.
- Sec. 502. Expansion of Wild Rogue Wilderness Area.

Subtitle B—Wild and Scenic River Designated and Related Protections

- Sec. 511. Wild and scenic river designations, Molalla River.
- Sec. 512. Wild and Scenic Rivers Act technical corrections related to Cheteo River.
- Sec. 513. Wild and scenic river designations, Wasson Creek and Franklin Creek.
- Sec. 514. Wild and scenic river designations, Rogue River area.
- Sec. 515. Additional protections for Rogue River tributaries.

Subtitle C—Effective Date

- Sec. 531. Effective date.

1 **TITLE I—DEFINITIONS**

2 **SEC. 101. DEFINITIONS.**

3 In this Act:

4 (1) AFFILIATES.—The term “Affiliates” has
 5 the meaning given such term in part 121 of title 13,
 6 Code of Federal Regulations.

7 (2) BOARD OF TRUSTEES.—The term “Board
 8 of Trustees” means the Board of Trustees for the
 9 Oregon and California Railroad Grant Lands Trust
 10 appointed under section 213.

11 (3) COOS BAY WAGON ROAD GRANT LANDS.—
 12 The term “Coos Bay Wagon Road Grant lands”

1 means the lands reconveyed to the United States
2 pursuant to the first section of the Act of February
3 26, 1919 (40 Stat. 1179).

4 (4) FISCAL YEAR.—The term “fiscal year”
5 means the Federal fiscal year, October 1 through
6 the next September 30.

7 (5) GOVERNOR.—The term “Governor” means
8 the Governor of the State of Oregon.

9 (6) O&C TRUST.—The terms “Oregon and Cali-
10 fornia Railroad Grant Lands Trust” and “O&C
11 Trust” mean the trust created by section 211, which
12 has fiduciary responsibilities to act for the benefit of
13 the O&C Trust counties in the management of O&C
14 Trust lands.

15 (7) O&C TRUST COUNTY.—The term “O&C
16 Trust county” means each of the 18 counties in the
17 State of Oregon that contained a portion of the Or-
18 egon and California Railroad Grant lands as of Jan-
19 uary 1, 2011, each of which are beneficiaries of the
20 O&C Trust.

21 (8) O&C TRUST LANDS.—The term “O&C
22 Trust lands” means the surface estate of the Oregon
23 and California Railroad Grant lands over which
24 management authority is transferred to the O&C
25 Trust pursuant to section 211(c)(1). The term does

1 not include any of the Oregon and California Rail-
2 road Grant lands excluded from the O&C Trust pur-
3 suant to section 211(c)(2) or transferred to the For-
4 est Service under section 231.

5 (9) OREGON AND CALIFORNIA RAILROAD GRANT
6 LANDS.—The term “Oregon and California Railroad
7 Grant lands” means the following lands:

8 (A) All lands in the State of Oregon re-
9 vested in the United States under the Act of
10 June 9, 1916 (39 Stat. 218), regardless of
11 whether the lands are—

12 (i) administered by the Secretary of
13 the Interior, acting through the Bureau of
14 Land Management, pursuant to the first
15 section of the Act of August 28, 1937 (43
16 U.S.C. 1181a); or

17 (ii) administered by the Secretary of
18 Agriculture as part of the National Forest
19 System pursuant to the first section of the
20 Act of June 24, 1954 (43 U.S.C. 1181g).

21 (B) All lands in the State obtained by the
22 Secretary of the Interior pursuant to the land
23 exchanges authorized and directed by section 2
24 of the Act of June 24, 1954 (43 U.S.C. 1181h).

1 (C) All lands in the State acquired by the
2 United States at any time and made subject to
3 the provisions of title II of the Act of August
4 28, 1937 (43 U.S.C. 1181f).

5 (10) RESERVE FUND.—The term “Reserve
6 Fund” means the reserve fund created by the Board
7 of Trustees under section 215(b).

8 (11) SECRETARY CONCERNED.—The term
9 “Secretary concerned” means—

10 (A) the Secretary of the Interior, with re-
11 spect to Oregon and California Railroad Grant
12 lands that are transferred to the management
13 authority of the O&C Trust and, immediately
14 before such transfer, were managed by the Bu-
15 reau of Land Management; and

16 (B) the Secretary of Agriculture, with re-
17 spect to Oregon and California Railroad Grant
18 lands that—

19 (i) are transferred to the management
20 authority of the O&C Trust and, imme-
21 diately before such transfer, were part of
22 the National Forest System; or

23 (ii) are transferred to the Forest
24 Service under section 231.

1 (12) STATE.—The term “State” means the
2 State of Oregon.

3 (13) TRANSITION PERIOD.—The term “transi-
4 tion period” means the three fiscal-year period speci-
5 fied in section 251 following the appointment of the
6 Board of Trustees during which—

7 (A) the O&C Trust is created;

8 (B) interim funding of the O&C Trust is
9 provided; and

10 (C) the surface estate of the O&C Trust
11 lands is transferred to the management of the
12 O&C Trust and other lands are transferred to
13 the Forest Service under section 231.

14 **TITLE II—O&C TRUST,**
15 **CONSERVATION, AND JOBS**
16 **Subtitle A—Creation and Terms of**
17 **O&C TRUST**

18 **SEC. 211. CREATION OF O&C TRUST AND DESIGNATION OF**
19 **O&C TRUST LANDS.**

20 (a) CREATION.—The Oregon and California Railroad
21 Grant Lands Trust is established effective on October 1
22 of the first fiscal year beginning after the appointment of
23 the Board of Trustees. As management authority over the
24 surface of estate of the O&C Trust lands is transferred
25 to the O&C Trust during the transition period pursuant

1 to section 251, the transferred lands shall be held in trust
2 for the benefit of the O&C Trust counties.

3 (b) TRUST PURPOSE.—The purpose of the O&C
4 Trust is to produce annual maximum sustained revenues
5 in perpetuity for O&C Trust counties by managing the
6 timber resources on O&C Trust lands on a sustained-yield
7 basis subject to the management requirements of section
8 214.

9 (c) DESIGNATION OF O&C TRUST LANDS.—

10 (1) LANDS INCLUDED.—Except as provided in
11 paragraph (2), the O&C Trust lands shall include
12 approximately 1,479,000 acres, consisting of the
13 stands of timber described in subsection (d) that are
14 located on Oregon and California Railroad Grant
15 lands as of January 1, 2011.

16 (2) LANDS EXCLUDED.—O&C Trust lands shall
17 not include any of the following Oregon and Cali-
18 fornia Railroad Grant lands (even if the lands are
19 otherwise described in subsection (d)):

20 (A) Federal lands within the National
21 Landscape Conservation System as of January
22 1, 2011.

23 (B) Federal lands designated as Areas of
24 Critical Environmental Concern as of January
25 1, 2011.

1 (C) Federal lands that were in the Na-
2 tional Wilderness Preservation System as of
3 January 1, 2011.

4 (D) Federal lands included in the National
5 Wild and Scenic Rivers System of January 1,
6 2011.

7 (E) Federal lands within the boundaries of
8 a national monument, park, or other developed
9 recreation area as of January 1, 2011.

10 (F) Oregon treasures addressed in title V,
11 any portion of which consists of Oregon and
12 California Railroad Grant lands as of January
13 1, 2011.

14 (d) COVERED STANDS OF TIMBER.—

15 (1) DESCRIPTION.—The O&C Trust lands con-
16 sist of stands of timber that have previously been
17 managed for timber production or that have been
18 materially altered by natural disturbances since
19 1886. Most of these stands of timber are 80 years
20 old or less, and all of such stands can be classified
21 as having a predominant stand age of 125 years or
22 less.

23 (2) DELINEATION OF BOUNDARIES BY BUREAU
24 OF LAND MANAGEMENT.—The O&C Trust lands
25 that, immediately before transfer to the O&C Trust,

1 were managed by the Bureau of Land Management
2 are timber stands that have predominant birth date
3 attributes of 1886 or later, with boundaries that are
4 defined by polygon spatial data layer in and elec-
5 tronic data compilation filed by the Bureau of Land
6 Management pursuant to paragraph (4). Except as
7 provided in paragraph (5), the boundaries of all tim-
8 ber stands constituting the O&C Trust lands are fi-
9 nally and conclusively determined for all purposes by
10 coordinates in or derived by reference to the polygon
11 spatial data layer prepared by the Bureau of Land
12 Management and filed pursuant to paragraph (4),
13 notwithstanding anomalies that might later be dis-
14 covered on the ground. The boundary coordinates
15 are locatable on the ground by use of global posi-
16 tioning system signals. In cases where the location
17 of the stand boundary is disputed or is inconsistent
18 with paragraph (1), the location of boundary coordi-
19 nates on the ground shall be, except as otherwise
20 provided in paragraph (5), finally and conclusively
21 determined for all purposes by the direct or indirect
22 use of global positioning system equipment with ac-
23 curacy specification of one meter or less.

24 (3) DELINEATION OF BOUNDARIES BY FOREST
25 SERVICE.—The O&C Trust lands that, immediately

1 before transfer to the O&C Trust, were managed by
2 the Forest Service are timber stands that can be
3 classified as having predominant stand ages of 125
4 years old or less. Within 30 days after the date of
5 the enactment of this Act, the Secretary of Agri-
6 culture shall commence identification of the bound-
7 aries of such stands that together total not less than
8 216,000 acres and not more than 220,000 acres,
9 and the boundaries of all such stands shall be identi-
10 fied and made available to the Board of Trustees not
11 later than 180 days following the creation of the
12 O&C Trust pursuant to subsection (a). In identi-
13 fying the stand boundaries, the Secretary may use
14 geographic information system data, satellite im-
15 agery, cadastral survey coordinates, or any other
16 means available within the time allowed. The bound-
17 aries shall be provided to the Board of Trustees
18 within the time allowed in the form of a spatial data
19 layer from which coordinates can be derived that are
20 locatable on the ground by use of global positioning
21 system signals. Except as provided in paragraph (5),
22 the boundaries of all timber stands constituting the
23 O&C Trust lands are finally and conclusively deter-
24 mined for all purposes by coordinates in or derived
25 by reference to the data provided by the Secretary

1 within the time provided by this paragraph, notwith-
2 standing anomalies that might later be discovered on
3 the ground. In cases where the location of the stand
4 boundary is disputed or inconsistent with paragraph
5 (1), the location of boundary coordinates on the
6 ground shall be, except as otherwise provided in
7 paragraph (5), finally and conclusively determined
8 for all purposes by the boundary coordinates pro-
9 vided by the Secretary as they are located on the
10 ground by the direct or indirect use of global posi-
11 tioning system equipment with accuracy specifica-
12 tions of one meter or less. All actions taken by the
13 Secretary under this paragraph shall be deemed to
14 not involve Federal agency action or Federal discre-
15 tionary involvement or control.

16 (4) DATA AND MAPS.—Copies of the data con-
17 taining boundary coordinates for the stands included
18 in the O&C Trust lands, or from which such coordi-
19 nates are derived, and maps generally depicting the
20 stand locations shall be filed with the Committee on
21 Energy and Natural Resources of the Senate, the
22 Committee on Natural Resources of the House of
23 Representatives, and the office of the Secretary con-
24 cerned. The maps and data shall be filed—

1 (A) not later than
2 _____, in the case of the

3 lands identified pursuant to paragraph (2); and

4 (B) not later than 180 days following the
5 creation of the O&C Trust pursuant to sub-
6 section (a), in the case of lands identified pur-
7 suant to paragraph (3).

8 (5) ADJUSTMENT AUTHORITY AND LIMITA-
9 TIONS.—

10 (A) NO IMPACT ON DETERMINING TITLE
11 OR PROPERTY OWNERSHIP BOUNDARIES.—

12 Stand boundaries identified under paragraph
13 (2) or (3) shall not be relied upon for purposes
14 of determining title or property ownership
15 boundaries. If the boundary of a stand identi-
16 fied under paragraph (2) or (3) extends beyond
17 the property ownership boundaries of Oregon
18 and California Railroad Grant lands, as such
19 property boundaries exist on the date of enact-
20 ment of this Act, then that stand boundary is
21 deemed adjusted by this subparagraph to coin-
22 cide with the property ownership boundary.

23 (B) EFFECT OF DATA ERRORS OR INCON-
24 SISTENCIES.—Data errors or inconsistencies
25 may result in parcels of land along property

1 ownership boundaries that are unintentionally
2 omitted from the O&C Trust lands that are
3 identified under paragraph (2) or (3). In order
4 to correct such errors, any parcel of land that
5 satisfies all of the following criteria is hereby
6 deemed to be O&C Trust land:

7 (i) The parcel is within the ownership
8 boundaries of Oregon and California Rail-
9 road Grant lands on the date of enactment
10 of this Act.

11 (ii) The parcel satisfies the description
12 in paragraph (1) on the date of enactment
13 of this Act.

14 (iii) The parcel is not excluded from
15 the O&C Trust lands pursuant to sub-
16 section (c)(2).

17 (C) NO IMPACT ON LAND EXCHANGE AU-
18 THORITY.—Nothing in this subsection is in-
19 tended to limit the authority of the Trust and
20 the Forest Service to engage in land exchanges
21 between themselves or with owners of non-Fed-
22 eral land as provided elsewhere in this Act.

1 **SEC. 212. LEGAL EFFECT OF O&C TRUST AND JUDICIAL RE-**
2 **VIEW.**

3 (a) **LEGAL STATUS OF TRUST LANDS.**—Subject to
4 the other provisions of this section, all right, title, and in-
5 terest in and to the O&C Trust lands remain in the United
6 States, except that—

7 (1) the Board of Trustees shall have all author-
8 ity to manage the surface estate of the O&C Trust
9 lands and the resources found thereon;

10 (2) actions on the O&C Trust lands shall be
11 deemed to involve no Federal agency action or Fed-
12 eral discretionary involvement or control and the
13 laws of the State shall apply to the surface estate of
14 the O&C Trust lands in the manner applicable to
15 privately owned timberlands in the State; and

16 (3) the O&C Trust shall be treated as the bene-
17 ficial owner of the surface estate of the O&C Trust
18 lands for purposes of all legal proceedings involving
19 the O&C Trust lands.

20 (b) **MINERALS.**—

21 (1) **IN GENERAL.**—Mineral and other sub-
22 surface rights in the O&C Trust lands are retained
23 by the United States or other owner of such rights
24 as of the date on which management authority over
25 the surface estate of the lands are transferred to the
26 O&C Trust.

1 (2) ROCK AND GRAVEL.—

2 (A) USE AUTHORIZED; PURPOSE.—For
3 maintenance or construction on the road system
4 under the control of the O&C Trust or for non-
5 Federal lands intermingled with O&C Trust
6 lands, the Board of Trustees may—

7 (i) utilize rock or gravel found within
8 quarries in existence immediately before
9 the date of enactment of this Act on any
10 Oregon and California Railroad Grant
11 lands, excluding those Oregon and Cali-
12 fornia Railroad Grant lands designated
13 under title V; and

14 (ii) construct new quarries on O&C
15 Trust lands, except that any quarry so
16 constructed may not exceed 5 acres.

17 (B) EXCEPTION.—The Board of Trustees
18 shall not construct new quarries on any of the
19 lands transferred to the Forest Service under
20 section 231 or lands designated under title V.

21 (c) ROADS.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (b), the Board of Trustees shall assume au-
24 thority and responsibility over, and have authority to

1 use, all roads and the road system specified in the
2 following subparagraphs:

3 (A) All roads and road systems on the Or-
4 egon and California Railroad and Grant lands
5 owned or administered by the Bureau of Land
6 Management immediately before the date of the
7 enactment of this Act, except that the Secretary
8 of Agriculture shall assume the Secretary of In-
9 terior's obligations for pro-rata maintenance ex-
10 pense and road use fees under reciprocal right-
11 of-way agreements for those lands transferred
12 to the Forest Service under section 231. All of
13 the lands transferred to the Forest Service
14 under section 231 shall be considered as part of
15 the tributary area used to calculate pro-rata
16 maintenance expense and road use fees.

17 (B) All roads and road systems owned or
18 administered by the Forest Service immediately
19 before the date of the enactment of this Act
20 and subsequently included within the bound-
21 aries of the O&C Trust lands.

22 (C) All roads later added to the road sys-
23 tem for management of the O&C Trust lands.

24 (2) LANDS TRANSFERRED TO FOREST SERV-
25 ICE.—The Secretary of Agriculture shall assume the

1 obligations of the Secretary of Interior for pro-rata
2 maintenance expense and road use fees under recip-
3 rocal rights-of-way agreements for those Oregon and
4 California Railroad Grant lands transferred to the
5 Forest Service under section 231.

6 (3) COMPLIANCE WITH CLEAN WATER ACT.—
7 All roads used, constructed, or reconstructed under
8 the jurisdiction of the O&C Trust must comply with
9 requirements of the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.) applicable to private
11 lands through the use of Best Management Prac-
12 tices under the Oregon Forest Practices Act.

13 (d) PUBLIC ACCESS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 public access to O&C Trust lands shall be preserved
16 consistent with the policies of the Secretary con-
17 cerned applicable to the O&C Trust lands as of the
18 date on which management authority over the sur-
19 face estate of the lands is transferred to the O&C
20 Trust.

21 (2) RESTRICTIONS.—The Board of Trustees
22 may limit or control public access for reasons of
23 public safety or to protect the resources on the O&C
24 Trust lands.

1 (e) LIMITATIONS.—The assets of the O&C Trust
2 shall not be subject to the creditors of an O&C Trust coun-
3 ty, or otherwise be distributed in an unprotected manner
4 or be subject to anticipation, encumbrance, or expenditure
5 other than for a purpose for which the O&C Trust was
6 created.

7 (f) REMEDY.—An O&C Trust county shall have all
8 of the rights and remedies that would normally accrue to
9 a beneficiary of a trust. An O&C Trust county shall pro-
10 vide the Board of Trustees, the Secretary concerned, and
11 the Attorney General with not less than 60 days notice
12 of an intent to sue to enforce the O&C Trust county's
13 rights under the O&C Trust.

14 (g) JUDICIAL REVIEW.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), judicial review of any provision of this
17 Act shall be sought in the United States Court of
18 Appeals for the District of Columbia Circuit. Parties
19 seeking judicial review of the validity of any provi-
20 sion of this Act must file suit within 60 days after
21 the date of the enactment of this Act and no pre-
22 liminary injunctive relief or stays pending appeal will
23 be permitted. If multiple cases are filed under this
24 paragraph, the Court shall consolidate the cases.

1 The Court must rule on any action brought under
2 this paragraph within 180 days.

3 (2) DECISIONS OF BOARD OF TRUSTEES.—De-
4 cisions made by the Board of Trustees shall be sub-
5 ject to judicial review only in an action brought by
6 an O&C County, except that nothing in this Act pre-
7 cludes bringing a legal claim against the Board of
8 Trustees that could be brought against a private
9 landowner for the same action.

10 **SEC. 213. BOARD OF TRUSTEES.**

11 (a) APPOINTMENT AUTHORIZATION.—Subject to the
12 conditions on appointment imposed by this section, the
13 Governor is authorized to appoint the Board of Trustees
14 to administer the O&C Trust and O&C Trust lands. Ap-
15 pointments by the Governor shall be made within 60 days
16 after the date of the enactment of this Act.

17 (b) MEMBERS AND ELIGIBILITY.—

18 (1) NUMBER.—Subject to subsection (c), the
19 Board of Trustees shall consist of seven members.

20 (2) RESIDENCY REQUIREMENT.—Members of
21 the Board of Trustees must reside within an O&C
22 Trust county.

23 (3) GEOGRAPHICAL REPRESENTATION.—To the
24 extent practicable, the Governor shall ensure broad
25 geographic representation among the O&C Trust

1 counties in appointing members to the Board of
2 Trustees.

3 (c) COMPOSITION.—The Board of Trustees shall in-
4 clude the following members:

5 (1)(A) Two forestry and wood products rep-
6 resentatives, consisting of—

7 (i) one member who represents the com-
8 mercial timber, wood products, or milling indus-
9 tries and who represents an Oregon-based com-
10 pany with more than 500 employees, taking
11 into account its affiliates, that has submitted a
12 bid for a timber sale on the Oregon and Cali-
13 fornia Railroad Grant lands, Coos Bay Wagon
14 Road Grant lands, or O&C Trust lands in the
15 preceding five years; and

16 (ii) one member who represents the com-
17 mercial wood products or milling industries and
18 who represents an Oregon-based company with
19 500 or fewer employees, taking into account its
20 affiliates, that has submitted a bid for a timber
21 sale on the Oregon and California Railroad
22 Grant lands, Coos Bay Wagon Road Grant
23 lands, or O&C Trust lands in the preceding five
24 years.

1 (B) At least one of the two representatives se-
2 lected in this paragraph must own commercial forest
3 land that is adjacent to the O&C Trust lands and
4 from which the representative has not exported un-
5 processed timber in the preceding five years.

6 (2) One representative of the general public
7 who has professional experience in one or more of
8 the following fields:

9 (A) Business management.

10 (B) Law.

11 (C) Accounting.

12 (D) Banking.

13 (E) Labor management.

14 (F) Transportation.

15 (G) Engineering.

16 (H) Public policy.

17 (3) One representative of the science commu-
18 nity who, at a minimum, holds a Doctor of Philos-
19 ophy degree in wildlife biology, forestry, ecology, or
20 related field and has published peer-reviewed aca-
21 demic articles in the representative's field of exper-
22 tise.

23 (4) Three governmental representatives, con-
24 sisting of—

1 (A) two members who are serving county
2 commissioners of an O&C Trust county and
3 who are nominated by the governing bodies of
4 a majority of the O&C Trust counties and ap-
5 proved by the Governor, except that the two
6 representatives may not be from the same coun-
7 ty; and

8 (B) one member who holds State-wide
9 elected office (or is a designee of such a person)
10 or who represents a federally recognized Indian
11 tribe or tribes within one or more O&C Trust
12 counties.

13 (d) TERM, INITIAL APPOINTMENT, VACANCIES.—

14 (1) TERM.—Except in the case of initial ap-
15 pointments, members of the Board of Trustees shall
16 serve for five-year terms and may be reappointed for
17 one consecutive term.

18 (2) INITIAL APPOINTMENTS.—In making the
19 first appointments to the Board of Trustees, the
20 Governor shall stagger initial appointment lengths so
21 that two members have three-year terms, two mem-
22 bers have four-year terms, and three members have
23 a full five-year term.

24 (3) VACANCIES.—Any vacancy on the Board of
25 Trustees shall be filled within 45 days by the Gov-

1 error for the unexpired term of the departing mem-
2 ber.

3 (4) COMPENSATION.—Members of the Board of
4 Trustees may receive annual compensation from the
5 O&C Trust at a rate not to exceed 50 percent of the
6 average annual salary for commissioners of the O&C
7 Trust counties for that year.

8 (e) CHAIRPERSON AND OPERATIONS.—

9 (1) CHAIRPERSON.—A majority of the Board of
10 Trustees shall select the chairperson for the Board
11 of Trustees each year.

12 (2) MEETINGS.—The Board of Trustees shall
13 establish proceedings to carry out its duties. The
14 Board shall meet at least quarterly. Except for
15 meetings substantially involving personnel and con-
16 tractual decisions, all meetings of the Board shall
17 comply with the public meetings law of the State.

18 (f) QUORUM AND DECISION-MAKING.—

19 (1) QUORUM.—A quorum shall consist of five
20 members of the Board of Trustees. The presence of
21 a quorum is required to constitute an official meet-
22 ing of the board of trustees to satisfy the meeting
23 requirement under subsection (e)(2).

1 (2) DECISIONS.—All actions and decisions by
2 the Board of Trustees shall require approval by a
3 majority of members.

4 (g) ANNUAL AUDIT.—Financial statements regard-
5 ing operation of the O&C Trust shall be independently
6 prepared and audited annually for review by the O&C
7 Trust counties, Congress, and the State.

8 **SEC. 214. MANAGEMENT OF O&C TRUST LANDS.**

9 (a) IN GENERAL.—The O&C Trust lands will be
10 managed by the Board of Trustees in compliance with all
11 Federal and State laws in the same manner as such laws
12 apply to private forest lands.

13 (b) TIMBER SALE PLANS.—The Board of Trustees
14 shall approve and periodically update management and
15 sale plans for the O&C Trust lands consistent with the
16 purpose specified in section 211(b). The Board of Trust-
17 ees may defer sale plans during periods of depressed tim-
18 ber markets if the Board of Trustees, in its discretion,
19 determines that such delay until markets improve is finan-
20 cially prudent and in keeping with its fiduciary obligation
21 to the O&C Trust counties.

22 (c) STAND ROTATION.—

23 (1) 100-120 YEAR ROTATION.—The Board of
24 Trustees shall manage not less than 50 percent of
25 the harvestable acres of the O&C Trust lands on a

1 100-120 year rotation. The acreage subject to 100-
2 120 year management shall be geographically dis-
3 persed across the O&C Trust lands in a manner that
4 the Board of Trustees, in its discretion, determines
5 will contribute to aquatic and terrestrial ecosystem
6 values.

7 (2) BALANCE.—The balance of the harvestable
8 acreage of the O&C Trust lands shall be managed
9 on any rotation age the Board of Trustees, in its
10 discretion and in compliance with applicable State
11 law, determines will best satisfy its fiduciary obliga-
12 tion to provide revenue to the O&C Trust counties.

13 (3) THINNING.—Nothing in this subsection is
14 intended to limit the ability of the Board of Trustees
15 to decide, in its discretion, to thin stands of timber
16 on O&C Trust lands.

17 (d) SALE TERMS.—

18 (1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), the Board of Trustees is authorized to es-
20 tablish the terms for sale contracts of timber or
21 other forest products from O&C Trust lands.

22 (2) SET ASIDE.—The Board of Trustees shall
23 establish a program consistent with the program of
24 the Bureau of Land Management under a March 10,
25 1959 Memorandum of Understanding, as amended,

1 regarding calculation of shares and sale of timber
2 set aside for purchase by business entities with 500
3 or fewer employees and consistent with the regula-
4 tions in part 121 of title 13, Code of Federal Regu-
5 lations applicable to timber sale set asides, except
6 that existing shares in effect on the date of enact-
7 ment of this Act shall apply until the next scheduled
8 recomputation of shares. In implementing its pro-
9 gram that is consistent with such Memorandum of
10 Understanding, the Board of Trustees shall utilize
11 the Timber Sale Procedure Handbook and other ap-
12 plicable procedures of the Bureau of Land Manage-
13 ment, including the Operating Procedures for Con-
14 ducting the Five-Year Recomputation of Small Busi-
15 ness Share Percentages in effect on January 1,
16 2011.

17 (3) COMPETITIVE BIDDING.—The Board of
18 Trustees must sell timber on a competitive bid basis.
19 No less than 50 percent of the total volume of tim-
20 ber sold by the Board of Trustees each year shall be
21 sold by oral bidding consistent with practices of the
22 Bureau of Land Management as of January 1,
23 2011.

24 (e) PROHIBITION ON EXPORT.—

1 (1) IN GENERAL.—As a condition on the sale of
2 timber or other forest products from O&C Trust
3 lands, unprocessed timber harvested from O&C
4 Trust lands may not be exported.

5 (2) VIOLATIONS.—Any person who knowingly
6 exports unprocessed timber harvested from O&C
7 Trust lands, who knowingly provides such unproc-
8 essed timber for export by another person, or know-
9 ingly sells timber harvested from O&C Trust lands
10 to a person who is disqualified from purchasing tim-
11 ber from such lands pursuant to this section shall be
12 disqualified from purchasing timber or other forest
13 products from O&C Trust lands or from Federal
14 lands administered under this title. Any person who
15 uses unprocessed timber harvested from O&C Trust
16 lands in substitution for exported unprocessed tim-
17 ber originating from private lands shall be disquali-
18 fied from purchasing timber or other forest products
19 from O&C Trust lands or from Federal lands admin-
20 istered under this title.

21 (3) UNPROCESSED TIMBER DEFINED.—In this
22 subsection, the term “unprocessed timber” has the
23 meaning given such term in section 493(9) of the
24 Forest Resources Conservation and Shortage Relief
25 Act of 1990 (16 U.S.C. 620e(9)).

1 (f) INTEGRATED PEST, DISEASE, AND WEED MAN-
2 AGEMENT PLAN.—The Board of Trustees shall develop an
3 integrated pest and vegetation management plan to assist
4 forest managers in prioritizing and minimizing the use of
5 pesticides and herbicides approved by the Environmental
6 Protection Agency and used in compliance with the Or-
7 egon Forest Practices Act. The plan shall optimize the
8 ability of the O&C Trust to re-establish forest stands after
9 harvest in compliance with the Oregon Forest Practices
10 Act and to create diverse early seral stage forests. The
11 plan shall allow for the eradication, containment and sup-
12 pression of disease, pests, weeds and noxious plants, and
13 invasive species as found on the State Noxious Weed List
14 and prioritize ground application of herbicides and pes-
15 ticides to the greatest extent practicable. The plan shall
16 be completed before the start of the second year of the
17 transition period. The planning process shall be open to
18 the public and the Board of Trustees shall hold not less
19 than two public hearings on the proposed plan before final
20 adoption.

21 (g) ACCESS TO LANDS TRANSFERRED TO FOREST
22 SERVICE.—Persons acting on behalf of the O&C Trust
23 shall have a right of timely access over lands transferred
24 to the Forest Service under section 231 as is reasonably
25 necessary for the Board of Trustees to carry out its man-

1 agement activities with regard to the O&C Trust lands and
2 the O&C Trust to satisfy its fiduciary duties to O&C coun-
3 ties.

4 (h) RIPARIAN AND RETENTION REQUIREMENTS.—

5 (1) IN GENERAL.—The O&C Trust lands shall
6 include riparian zones and retention requirements
7 consistent with State law.

8 (2) USE OF OLD GROWTH DEFINITION.—To the
9 greatest extent practicable, and at the discretion of
10 the Board of Trustees, old growth, as defined by the
11 Old Growth Scientific Review Panel created by sec-
12 tion 234, shall be used to meet the retention require-
13 ments applicable under paragraph (1).

14 (i) FIRE PROTECTION AND EMERGENCY RE-
15 SPONSE.—

16 (1) RECIPROCAL FIRE PROTECTION AGREE-
17 MENTS.—

18 (A) CONTINUATION OF AGREEMENTS.—

19 Subject to subparagraphs (B), (C), and (D),
20 any reciprocal fire protection agreement be-
21 tween the State or any other entity and the
22 Secretary concerned with regard to Oregon and
23 California Railroad Grant lands in effect on the
24 date of the enactment of this Act shall remain
25 in place for a period of ten years after such

1 date unless earlier terminated by the State or
2 other entity.

3 (B) ASSUMPTION OF BLM RIGHTS AND DU-
4 TIES.—The Board of Trustees shall exercise the
5 rights and duties of the Bureau of Land Man-
6 agement under the agreements described in
7 subparagraph (A).

8 (C) EFFECT OF EXPIRATION OF PERIOD.—
9 Following the expiration of the ten-year period
10 under subparagraph (A), the Board of Trustees
11 may continue to provide for fire protection of
12 the Oregon and California Railroad Grant lands
13 through continuation of the reciprocal fire pro-
14 tection agreements, new cooperative agree-
15 ments, or by any means otherwise permitted by
16 law. The means selected shall be based on the
17 review by the Board of Trustees of whether the
18 reciprocal fire protection agreements were effec-
19 tive in protecting the lands from fire.

20 (D) EMERGENCY RESPONSE.—Nothing in
21 this paragraph shall prevent the Secretary of
22 Agriculture from an emergency response to a
23 fire on the O&C Trust lands or lands trans-
24 ferred to the Forest Service under section 231.

1 (2) EMERGENCY RESPONSE TO FIRE.—Subject
2 to paragraph (1), if the Secretary of Agriculture de-
3 termines that fire on any of the lands transferred
4 under section 231 is burning uncontrolled or the
5 Secretary, the Board of Trustees, or contracted
6 party does not have readily and immediately avail-
7 able personnel and equipment to control or extin-
8 guish the fire, the Secretary, or any forest protective
9 association or agency under contract or agreement
10 with the Secretary or the Board of Trustees for the
11 protection of forestland against fire, shall summarily
12 and aggressively abate the nuisance thus controlling
13 and extinguishing the fire.

14 (j) NORTHERN SPOTTED OWL.—So long as the O&C
15 Trust maintains the 100-120 year rotation on 50 percent
16 of the harvestable acres required in subsection (c), the sec-
17 tion 231 lands representing the best quality habitat for
18 the owl are transferred to the Forest Service, and the O&C
19 Trust protects currently occupied northern spotted owl
20 nest sites consistent with the forest practices in the Or-
21 egon Forest Practices Act, management of the O&C Trust
22 land by the Board of Trustees shall be considered to com-
23 ply with section 9 of Public Law 93–205 (16 U.S.C. 1538)
24 for the northern spotted owl. A currently occupied north-
25 ern spotted owl nest site shall be considered abandoned

1 if there are no northern spotted owl responses following
2 three consecutive years of surveys using the Protocol for
3 Surveying Management Activities that May Impact North-
4 ern Spotted Owls dated February 2, 2011.

5 **SEC. 215. PAYMENTS TO O&C TRUST COUNTIES.**

6 (a) ANNUAL PAYMENTS TO O&C TRUST COUN-
7 TIES.—

8 (1) TIME FOR PAYMENT; USE.—Payments to
9 each O&C Trust county shall be made available to
10 the general fund of the O&C Trust county as soon
11 as practicable following the end of each fiscal year,
12 to be used as are other unrestricted county funds.

13 (2) PAYMENT AMOUNT.—The amount paid to
14 an O&C Trust county in relation to the total distrib-
15 uted to all O&C Trust counties for a fiscal year shall
16 be based on the proportion that the total assessed
17 value of the Oregon and California Railroad Grant
18 lands in each of the O&C Trust counties for fiscal
19 year 1915 bears to the total assessed value of all of
20 the Oregon and California Railroad Grant lands in
21 the State for that same fiscal year. However, for the
22 purposes of this subsection the portion of the re-
23 vested Oregon and California Railroad Grant lands
24 in each of the O&C Trust counties that was not as-
25 sessed for fiscal year 1915 shall be deemed to have

1 been assessed at the average assessed value of the
2 Oregon and California Railroad Grant lands in the
3 county.

4 (3) LIMITATION ON ANNUAL INCREASE.—After
5 the fifth payment made under this subsection, the
6 payment to an O&C Trust county for a fiscal year
7 shall not exceed 110 percent of the previous year's
8 payment to the O&C Trust county, adjusted for in-
9 flation based on the consumer price index applicable
10 to the geographic area in which the O&C Trust
11 counties are located.

12 (b) RESERVE FUND.—

13 (1) ESTABLISHMENT OF RESERVE FUND.—The
14 Board of Trustees shall generate and maintain a re-
15 serve fund.

16 (2) DEPOSITS TO RESERVE FUND.—Within six
17 years after creation of the O&C Trust, the Board of
18 Trustees shall establish and thereafter seek to main-
19 tain an annual balance of \$125,000,000 in the Re-
20 serve Fund, to be derived from revenues generated
21 from management activities involving O&C Trust
22 lands. All annual revenues generated in excess of op-
23 erating costs and payments to O&C Trust counties
24 required by subsection (a) shall be deposited in the
25 Reserve Fund.

1 (3) EXPENDITURES FROM RESERVE FUND.—

2 The Board of Trustees shall use amounts in the Re-
3 serve Fund only—

4 (A) to pay management and administrative
5 expenses or capital improvement costs on O&C
6 Trust Lands; and

7 (B) to make payments to O&C Trust coun-
8 ties when payments to the counties under sub-
9 section (a) are projected to be 90 percent or
10 less of the previous year's payments.

11 **SEC. 216. LAND EXCHANGE AUTHORITY.**

12 (a) AUTHORITY.—Subject to approval by the Sec-
13 retary concerned, the Board of Trustees may negotiate
14 proposals for land exchanges with owners of lands adja-
15 cent to O&C Trust lands in order to create larger contig-
16 uous blocks of land under management by the O&C Trust
17 to facilitate resource management, to improve conserva-
18 tion value of such lands, or to improve the efficiency of
19 management of such lands.

20 (b) APPROVAL REQUIRED; CRITERIA.—The Sec-
21 retary concerned may approve a land exchange proposed
22 by the Board of Trustees administratively if the exchange
23 meets the following criteria:

24 (1) The non-Federal lands are completely with-
25 in the State.

1 (2) The non-Federal lands have high timber
2 production value, or are necessary for more efficient
3 or effective management of adjacent or nearby O&C
4 Trust lands.

5 (3) The non-Federal lands have equal or great-
6 er value to the O&C Trust lands proposed for ex-
7 change.

8 (4) The proposed exchange is reasonably likely
9 to increase the net income to the O&C Trust coun-
10 ties over the next 20 years and not decrease the net
11 income to the O&C Trust counties over the next 10
12 years.

13 (c) ACREAGE LIMITATION.—The Secretary concerned
14 shall not approve land exchanges under this section that,
15 taken together with all previous exchanges involving the
16 O&C Trust lands, have the effect of reducing the total
17 acreage of the O&C Trust lands by more than five percent
18 from the total acreage to be designated as O&C Trust land
19 under section 211(c)(1).

20 (d) INAPPLICABILITY OF CERTAIN LAWS.—Section 3
21 of the Oregon Public Lands Transfer and Protection Act
22 of 1998 (Public Law 105–321; 112 Stat. 3022), the Fed-
23 eral Land Policy and Management Act of 1976 (43 U.S.C.
24 1701 et. seq.), including the amendments made by the
25 Federal Land Exchange Facilitation Act of 1988 (Public

1 Law 100–409; 102 Stat. 1086), the Act of March 20,
2 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911
3 (commonly known as the Weeks Act; 16 U.S.C. 480 et
4 seq.) shall not apply to the land exchange authority pro-
5 vided by this section.

6 (e) EXCHANGES WITH FOREST SERVICE.—

7 (1) EXCHANGES AUTHORIZED.—The Board of
8 Trustees is authorized to engage in land exchanges
9 with the Forest Service if approved by the Secretary
10 pursuant to section 233(c).

11 (2) MANAGEMENT OF EXCHANGED LANDS.—
12 Following completion of a land exchange under para-
13 graph (1), the management requirements applicable
14 to the newly acquired lands by the O&C Trust or the
15 Forest Service shall be the same requirements under
16 this title applicable to the other lands that are man-
17 aged by the O&C Board or the Forest Service.

18 **SEC. 217. PAYMENTS TO THE UNITED STATES TREASURY.**

19 As soon as practicable after the end of the third fiscal
20 year of the transition period and each of the subsequent
21 seven fiscal years, the O&C Trust shall submit a payment
22 of \$10,000,000 to the United States Treasury.

1 **SEC. 218. CONTINUED TREATMENT OF O&C TRUST LANDS**
2 **AS FEDERAL LAND FOR CERTAIN PURPOSES.**

3 (a) EXEMPTION FROM PROPERTY AND SEVERANCE
4 TAXES.—The O&C Trust lands and resources thereon,
5 and the severance of such resources, shall continue to be
6 exempt from State and local property and severance taxes
7 in the same manner as are other lands whose title is held
8 by the United States.

9 (b) INCOMES AND OTHER TAXES.—Revenue gen-
10 erated by the O&C Trust shall be exempt from all Federal,
11 State, and local income and other taxes.

12 **Subtitle B—Transfer of Certain**
13 **Lands to Forest Service**

14 **SEC. 231. TRANSFER OF CERTAIN OREGON AND CALI-**
15 **FORNIA RAILROAD GRANT LANDS TO FOREST**
16 **SERVICE.**

17 The Secretary of the Interior shall transfer adminis-
18 trative jurisdiction over all Oregon and California Railroad
19 Grant lands not designated as O&C Trust lands by section
20 211(c)(1), including those lands excluded by section
21 211(c)(2), to the Secretary of Agriculture for inclusion in
22 the National Forest System and administration by the
23 Forest Service as provided in section 232.

1 **SEC. 232. MANAGEMENT OF TRANSFERRED LANDS BY FOR-**
2 **EST SERVICE.**

3 (a) ASSIGNMENT TO EXISTING NATIONAL FOR-
4 ESTS.—To the greatest extent practicable, management
5 responsibilities for the lands transferred under section 231
6 shall be assigned to the unit of the National Forest Sys-
7 tem geographically closest to the transferred lands. The
8 Secretary of Agriculture shall have ultimate decision-mak-
9 ing authority, but shall assign the transferred lands to a
10 unit not later than the applicable transfer date provided
11 in the transition period.

12 (b) APPLICATION OF NORTHWEST FOREST PLAN.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the lands transferred under section 231
15 shall be managed under the Northwest Forest Plan
16 and shall retain Northwest Forest Plan land use
17 designations until or unless changed in the manner
18 provided by Federal laws applicable to the adminis-
19 tration and management of the National Forest Sys-
20 tem.

21 (2) EXCEPTION FOR CERTAIN DESIGNATED
22 LANDS.—The lands excluded from the O&C Trust by
23 section 211(c)(2) and transferred to the Forest
24 Service under section 231 shall be managed as pro-
25 vided by Federal laws applicable to the lands.

1 (c) PROTECTION OF OLD GROWTH.—Old growth, as
2 defined by the Old Growth Scientific Review Panel created
3 by section 234, shall not be harvested by the Forest Serv-
4 ice on lands transferred under section 231.

5 (d) TREATMENT OF REVENUES.—All revenues gen-
6 erated by Forest Service activities during a fiscal year on
7 any lands transferred to the Secretary of Agriculture
8 under section 231 shall continue to be deposited in, and
9 distributed from, the Treasury of the United States as
10 provided in title II of the Act of August 28, 1937 (43
11 U.S.C. 1181f).

12 (e) EMERGENCY RESPONSE TO FIRE.—Subject to
13 section 214(i), if the Secretary of Agriculture determines
14 that fire on any of the lands transferred under section 231
15 is burning uncontrolled or the Secretary or contracted
16 party does not have readily and immediately available per-
17 sonnel and equipment to control or extinguish the fire, the
18 Secretary, or any forest protective association or agency
19 under contract or agreement with the Secretary for the
20 protection of forestland against fire, and within whose pro-
21 tection area the fire exists, shall summarily and aggres-
22 sively abate the nuisance thus controlling and extin-
23 guishing the fire.

1 **SEC. 233. MANAGEMENT EFFICIENCIES AND EXPEDITED**
2 **LAND EXCHANGES.**

3 (a) LAND EXCHANGE AUTHORITY.—The Secretary
4 of Agriculture may conduct land exchanges involving lands
5 transferred under section 231, other than the lands ex-
6 cluded from the O&C Trust by section 211(c)(2), in order
7 create larger contiguous blocks of land under management
8 of the Secretary to facilitate resource management, to im-
9 prove conservation value of such lands, or to improve the
10 efficiency of management of such lands.

11 (b) CRITERIA FOR EXCHANGES WITH NON-FEDERAL
12 OWNERS.—The Secretary of Agriculture may conduct a
13 land exchange administratively under this section with a
14 non-Federal owner (other than the O&C Trust) if the land
15 exchange meets the following criteria:

16 (1) The non-Federal lands are completely with-
17 in the State.

18 (2) The non-Federal lands have high wildlife
19 conservation or recreation value or the exchange is
20 necessary to increase management efficiencies of
21 lands administered by the Forest Service for the
22 purposes of the National Forest System.

23 (3) The non-Federal lands have equal or great-
24 er value to the Federal lands purposed for exchange.

25 (c) CRITERIA FOR EXCHANGES WITH O&C TRUST.—
26 The Secretary of Agriculture may conduct land exchanges

1 with the Board of Trustees administratively under this
2 subsection, and such an exchange shall be deemed to not
3 involve any Federal action or Federal discretionary in-
4 volvement or control if the land exchange with the O&C
5 Trust meets the following criteria:

6 (1) The O&C Trust lands to be exchanged have
7 high wildlife value or ecological value or the ex-
8 change would facilitate resource management or oth-
9 erwise contribute to the management efficiency of
10 the lands administered by the Forest Service.

11 (2) The exchange is requested or approved by
12 the Board of Trustees for the O&C Trust and will
13 not impair the ability of the Board of Trustees to
14 meet its fiduciary responsibilities.

15 (3) The lands to be exchanged by the Forest
16 Service do not contain stands of timber meeting the
17 definition of old growth established by the Old
18 Growth Review Panel pursuant to section 234.

19 (4) The lands to be exchanged are equal in
20 acreage.

21 (d) ACREAGE LIMITATION.—The Secretary of Agri-
22 culture shall not approve land exchanges under this sec-
23 tion that, taken together with all previous exchanges in-
24 volving the lands described in subsection (a), have the ef-
25 fect of reducing the total acreage of such lands by more

1 than five percent from the total acreage originally trans-
2 ferred to the Secretary.

3 (e) INAPPLICABILITY OF CERTAIN LAWS.—Section 3
4 of the Oregon Public Lands Transfer and Protection Act
5 of 1998 (Public Law 105–321; 112 Stat. 3022), the Fed-
6 eral Land Policy and Management Act of 1976 (43 U.S.C.
7 1701 et. seq.), including the amendments made by the
8 Federal Land Exchange Facilitation Act of 1988 (Public
9 Law 100–409; 102 Stat. 1086), the Act of March 20,
10 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911
11 (commonly known as the Weeks Act; 16 U.S.C. 480 et
12 seq.) shall not apply to the land exchange authority pro-
13 vided by this section.

14 **SEC. 234. SCIENTIFIC REVIEW PANEL AND OLD GROWTH**
15 **PROTECTION.**

16 (a) APPOINTMENT; MEMBERS.—Within 60 days after
17 the date of the enactment of this Act the Secretary of Ag-
18 riculture shall appoint an Old Growth Scientific Review
19 Panel consisting of five members. At a minimum, the
20 members must hold a Doctor of Philosophy degree in wild-
21 life biology, forestry, ecology, or related field and pub-
22 lished peer-reviewed academic articles in their field of ex-
23 pertise.

24 (b) PURPOSE OF REVIEW.—Members of the Old
25 Growth Scientific Review Panel shall review existing, pub-

1 lished, peer-reviewed articles in relevant academic journals
2 and establish a scientific definition or definitions of old
3 growth as it applies to the ecologically, geographically and
4 climatologically unique Oregon and California Railroad
5 Grant lands only. The definition or definitions shall bear
6 no legal force, shall not be used as a precedent for, or
7 apply to any lands other than the Oregon and California
8 Railroad Grant lands in western Oregon.

9 (c) SUBMISSION OF RESULTS.—The scientific defini-
10 tion for old growth in western Oregon established under
11 subsection (b), if approved by at least four members of
12 the Old Growth Scientific Review Panel, shall be sub-
13 mitted to the Secretary of Agriculture within 6 months
14 after the date of the enactment of this Act.

15 **SEC. 235. UNIQUENESS OF OLD GROWTH PROTECTION ON**
16 **OREGON AND CALIFORNIA RAILROAD GRANT**
17 **LANDS.**

18 All sections of this title referring to the term “old
19 growth” are uniquely suited to resolve management issues
20 for the lands covered by this title only, and shall not be
21 construed as precedent for any other situation involving
22 management of other Federal, State, or private lands.

23 **Subtitle C—Transition**

24 **SEC. 251. TRANSITION PERIOD AND OPERATIONS.**

25 (a) TRANSITION PERIOD.—

1 (1) COMMENCEMENT; DURATION.—Effective on
2 October 1 of the first fiscal year beginning after the
3 appointment of the Board of Trustees under section
4 213, a transition period of three fiscal years shall
5 commence.

6 (2) EXCEPTIONS.—Unless specifically stated in
7 the following subsections, any action under this sec-
8 tion shall be deemed not to involve Federal agency
9 action or Federal discretionary involvement or con-
10 trol.

11 (b) YEAR ONE.—

12 (1) APPLICABILITY.—During the first fiscal
13 year of the transition period, the activities described
14 in this subsection shall occur.

15 (2) BOARD OF TRUSTEES ACTIVITIES.—The
16 Board of Trustees shall employ sufficient staff or
17 contractors to prepare for beginning management of
18 O&C Trust lands in the second fiscal year of the
19 transition period, including preparation of manage-
20 ment plans and a harvest schedule for the Oregon
21 and California Railroad Grant lands over which
22 management authority is transferred to the O&C
23 Trust in the second fiscal year.

24 (3) FOREST SERVICE ACTIVITIES.—The Forest
25 Service shall begin preparing to assume management

1 authority of all Oregon and California Railroad
2 Grant lands transferred under section 231 in the
3 second fiscal year.

4 (4) O&C TRUST COUNTY PAYMENTS UNDER
5 OTHER LAWS.—O&C Trust counties shall remain eli-
6 gible for any payments under title I of the Secure
7 Rural Schools and Community Self-Determination
8 Act of 2000 (16 U.S.C. 7111 et seq.), as extended
9 or reauthorized by Congress.

10 (5) SECRETARY CONCERNED ACTIVITIES.—The
11 Secretary concerned shall continue to exercise man-
12 agement authority over all Oregon and California
13 Railroad Grant lands under all existing Federal
14 laws.

15 (6) INFORMATION SHARING.—Upon written re-
16 quest from the Board of Trustees, the Secretary of
17 the Interior shall provide copies of any documents or
18 data, however stored or maintained, that includes
19 the requested information concerning O&C Trust
20 lands. The copies shall be provided as soon as prac-
21 ticable and to the greatest extent possible, but in no
22 event later than 30 days following the date of the re-
23 quest.

24 (c) YEAR TWO.—

1 (1) APPLICABILITY.—During the second fiscal
2 year of the transition period, the activities described
3 in this subsection shall occur.

4 (2) TRANSFER OF O&C TRUST LANDS.—Effec-
5 tive on October 1 of the second fiscal year of the
6 transition period, management authority over the
7 O&C Trust lands shall be transferred to the O&C
8 Trust.

9 (3) TRANSFER OF LANDS TO FOREST SERV-
10 ICE.—The transfers required by section 231 shall
11 occur.

12 (4) INFORMATION SHARING.—The Secretary of
13 Agriculture shall obtain and manage, as soon as
14 practicable, all documents and data relating to the
15 Oregon and California Railroad Grant lands and
16 Coos Bay Wagon Road lands previously managed by
17 the Bureau of Land Management. Upon written re-
18 quest from the Board of Trustees, the Secretary of
19 Agriculture shall provide copies of any documents or
20 data, however stored or maintained, that includes
21 the requested information concerning O&C Trust
22 lands. The copies shall be provided as soon as prac-
23 ticable and to the greatest extent possible, but in no
24 event later than 30 days following the date of the re-
25 quest.

1 (5) IMPLEMENTATION OF MANAGEMENT
2 PLAN.—The Board of Trustees shall begin imple-
3 menting its management plan for the O&C Trust
4 lands and revise the plan as necessary. Distribution
5 of revenues generated from all activities on the O&C
6 Trust lands shall be subject to section 215.

7 (6) O&C TRUST COUNTY PAYMENTS UNDER
8 OTHER LAWS.—O&C Trust counties shall remain eli-
9 gible for any payments under title I of the Secure
10 Rural Schools and Community Self-Determination
11 Act of 2000 (16 U.S.C. 7111 et seq.), as extended
12 or reauthorized by Congress.

13 (d) YEAR THREE AND SUBSEQUENT YEARS.—

14 (1) APPLICABILITY.—During the third fiscal
15 year of the transition period and all subsequent fis-
16 cal years, the activities described in this subsection
17 shall occur.

18 (2) BOARD OF TRUSTEES MANAGEMENT.—The
19 Board of Trustees shall manage the O&C Trust
20 lands pursuant to subtitle A.

21 (3) O&C TRUST COUNTY PAYMENTS UNDER
22 OTHER LAWS.—

23 (A) BLM LANDS.—O&C Trust counties
24 shall no longer be eligible for any payments
25 under title I of the Secure Rural Schools and

1 Community Self-Determination Act of 2000 (16
2 U.S.C. 7111 et seq.) for lands under the juris-
3 diction of the Bureau of Land Management; ex-
4 cept the O&C Trust counties shall remain eligi-
5 ble to receive such payments for the second fis-
6 cal year of the transition period if those pay-
7 ments have not yet been completed.

8 (B) FOREST SERVICE LANDS.—O&C Trust
9 counties shall remain eligible for any payments
10 under title I of the Secure Rural Schools and
11 Community Self-Determination Act of 2000 (16
12 U.S.C. 7111 et seq.), as extended or reauthor-
13 ized by Congress, for lands under the jurisdic-
14 tion of the Forest Service.

15 **SEC. 252. O&C TRUST MANAGEMENT LOAN AUTHORIZA-**
16 **TION.**

17 (a) BORROWING AUTHORITY.—The Board of Trust-
18 ees is authorized to borrow from any available private
19 sources and non-Federal, public sources in order to pro-
20 vide for the costs of organization, administration, and
21 management of the O&C Trust during the three-year tran-
22 sition period provided in section 251.

23 (b) LOAN AUTHORITY.—Notwithstanding any other
24 provision of law, O&C Trust counties are authorized to
25 loan to the O&C Trust, and the Board of Trustees is au-

1 thORIZED to borrow from willing O&C Trust counties,
2 amounts held on account by such counties that are re-
3 quired to be expended in accordance with the Act of May
4 23,1908 (35. Stat. 260; 16 U.S.C. 500) and section 13
5 of the Act of March 1, 1911 (36 Stat.963; 16 U.S.C. 500),
6 except that, upon repayment by the O&C Trust, the obli-
7 gation of such counties to expend the funds in accordance
8 with such Acts shall continue to apply.

9 **SEC. 253. EXISTING BUREAU OF LAND MANAGEMENT AND**
10 **FOREST SERVICE CONTRACTS.**

11 (a) TREATMENT OF EXISTING CONTRACTS.—Any
12 work or timber contracts sold or awarded by the Bureau
13 of Land Management or Forest Service on or with respect
14 to Oregon and California Railroad Grant lands before the
15 transfer of the lands to the O&C Trust or the Forest Serv-
16 ice shall remain binding and effective according to the
17 terms of the contracts after the transfer of the lands. The
18 Board of Trustees and Secretary concerned shall make
19 such accommodations as are necessary to avoid interfering
20 in any way with the performance of the contracts.

21 (b) TREATMENT OF PAYMENTS UNDER CON-
22 TRACTS.—Payments made pursuant to the contracts de-
23 scribed in subsection (a), if any, shall be made as provided
24 in those contracts and not made to the O&C Trust.

1 **SEC. 254. PROTECTION OF VALID EXISTING RIGHTS AND**
2 **ACCESS TO NON-FEDERAL LAND.**

3 (a) **VALID RIGHTS.**—Nothing in this Act, or any
4 amendment made by this Act, shall be construed as termi-
5 nating any valid lease, permit, patent, right-of-way, agree-
6 ment, or other right of authorization existing on the date
7 of the enactment of this Act with regard to Oregon and
8 California Railroad Grant lands, including O&C Trust
9 lands over which management authority is transferred to
10 the O&C Trust pursuant to section 211(c)(1) and lands
11 transferred to the Forest Service under section 231.

12 (b) **ACCESS TO LANDS.**—

13 (1) **EXISTING ACCESS RIGHTS.**—The Secretary
14 concerned shall preserve all rights of access and use,
15 including (but not limited to) reciprocal right-of-way
16 agreements, tail hold agreements, or other right-of-
17 way or easement obligations existing on the date of
18 the enactment of this Act, and such rights shall re-
19 main applicable to lands covered by this Act in the
20 same manner and to the same extent as such rights
21 applied before the date of the enactment of this Act.

22 (2) **NEW ACCESS RIGHTS.**—If a current or fu-
23 ture landowner of land intermingled with Oregon
24 and California Railroad Grant lands does not have
25 an existing access agreement related to the lands
26 covered by this title, the Secretary concerned shall

1 enter into an access agreement, including appur-
2 tenant lands, to secure the landowner the reasonable
3 use and enjoyment of the landowner's land, includ-
4 ing the harvest and hauling of timber.

5 (c) MANAGEMENT COOPERATION.—The Board of
6 Trustees and the Secretary concerned shall provide cur-
7 rent and future landowners of land intermingled with Or-
8 egon and California Railroad Grant lands the permission
9 needed to manage their lands, including to locate tail
10 holds, tramways, and logging wedges, to purchase
11 guylines, and to cost-share property lines surveys to the
12 lands covered by this title, within 30 days after receiving
13 notification of the landowner's plan of operation.

14 (d) JUDICIAL REVIEW.—Notwithstanding section
15 212(g)(2), a private landowner may obtain judicial review
16 of a decision of the Board of Trustees to deny—

17 (1) the landowner the rights provided by sub-
18 section (b) regarding access to the landowner's land;

19 or

20 (2) the landowner the reasonable use and enjoy-
21 ment of the landowner's land.

22 **SEC. 255. ASSISTANCE FOR DISPLACED FEDERAL EMPLOY-**
23 **EES.**

24 In the case of any employee of the Bureau of Land
25 Management or Forest Service whose employment is dis-

1 placed by the creation of the O&C Trust or the transfer
2 of Oregon and California Railroad Grant lands to the For-
3 est Service under section 231, the Secretary concerned
4 shall make the following options available during the tran-
5 sition period:

6 (1) Preference for O&C Trust employee posi-
7 tions requiring the existing skill set of the displaced
8 Federal employee.

9 (2) Preference for any employee positions any-
10 where within the Bureau of Land Management or
11 the Forest Service requiring the skill set possessed
12 by the displaced Federal employee or for which the
13 displaced employee can be reasonably trained at
14 Federal expense.

15 **SEC. 256. DEAUTHORIZATION OF CERTAIN BUREAU OF**
16 **LAND MANAGEMENT ACCOUNTS AND AU-**
17 **THORIZATION OF NEW FOREST SERVICE AC-**
18 **COUNTS.**

19 (a) IN GENERAL.—Subject to subsection (b), begin-
20 ning October 1 of the second fiscal year of the transition
21 period, the following accounts are hereby deauthorized
22 within the Department of the Interior budget and author-
23 ized within the Department of Agriculture, Forest Service,
24 budget:

25 (1) Western Oregon resources management.

1 (2) Western Oregon information and resource
2 data systems.

3 (3) Western Oregon transportation and facili-
4 ties maintenance.

5 (4) Western Oregon construction and acquisi-
6 tion.

7 (b) EXISTING CONTRACTUAL OBLIGATIONS.—Not-
8 withstanding the deauthorization of the Department of the
9 Interior accounts specified in subsection (a), amounts may
10 be appropriated to the Secretary of the Interior as may
11 be necessary to satisfy remaining contractual obligations
12 under contracts related to those accounts in existence on
13 October 1 of the second fiscal year of the transition period.

14 **SEC. 257. REPEAL OF SUPERSEDED LAW RELATING TO OR-**
15 **EGON AND CALIFORNIA RAILROAD GRANT**
16 **LANDS.**

17 (a) REPEAL.—Except as provided in subsections (b)
18 and (c), the Act of August 28, 1937 (43 U.S.C. 1181a
19 et seq.) is repealed effective on October 1 of the first fiscal
20 year beginning after the appointment of the Board of
21 Trustees.

22 (b) CONTINUED APPLICABILITY FOR CERTAIN PUR-
23 POSES.—Title II of the Act of August 28, 1937 (43 U.S.C.
24 1181f) shall remain legally valid for the purposes of sec-
25 tion 232, and the first section of the Act of May 24, 1939

1 (43 U.S.C. 1181f–1) shall remain legally valid for the pur-
2 poses of section 302.

3 (c) EFFECT OF CERTAIN COURT RULINGS.—If, as a
4 result of judicial review authorized by section 212, any
5 provision of this title is held to be invalid and implementa-
6 tion of the provision or any activity conducted under the
7 provision is then enjoined, the Act of August 28, 1937
8 (43 U.S.C. 1181a et seq.), as in effect immediately before
9 its repeal by subsection (a), shall be restored to full legal
10 force and effect as if the repeal had not taken effect.

11 **TITLE III—COOS BAY WAGON** 12 **ROADS**

13 **SEC. 301. TRANSFER OF MANAGEMENT AUTHORITY OVER** 14 **CERTAIN COOS BAY WAGON ROAD GRANT** 15 **LANDS TO COOS COUNTY, OREGON.**

16 (a) TRANSFER REQUIRED.—Except in the case of the
17 lands described in subsection (b), the Secretary of the In-
18 terior shall transfer management authority over the Coos
19 Bay Wagon Road Grant lands reconveyed to the United
20 States pursuant to the first section of the Act of February
21 26, 1919 (40 Stat. 1179), and the surface resources there-
22 on, to the Coos County government. The transfer shall be
23 completed not later than one year after the date of the
24 enactment of this Act.

1 (b) LANDS EXCLUDED.—The transfer under sub-
2 section (a) shall not include any of the following Coos Bay
3 Wagon Road Grant lands:

4 (1) Federal lands within the National Land-
5 scape Conservation System as of January 1, 2011.

6 (2) Federal lands designated as Areas of Crit-
7 ical Environmental Concern as of January 1, 2011.

8 (3) Federal lands that were in the National
9 Wilderness Preservation System as of January 1,
10 2011.

11 (4) Federal lands included in the National Wild
12 and Scenic Rivers System of January 1, 2011.

13 (5) Federal lands within the boundaries of a
14 national monument, park, or other developed recre-
15 ation area as of January 1, 2011.

16 (6) All stands of timber generally older than
17 125 years old, which shall be conclusively deter-
18 mined by reference to the polygon spatial data layer
19 in the electronic data compilation field by the Bu-
20 reau of Land Management based on the predomi-
21 nant birth-date attribute, and the boundaries of such
22 stands shall be conclusively determined for all pur-
23 poses by the global positioning system coordinates
24 for such stands.

25 (c) MANAGEMENT.—

1 (1) IN GENERAL.—Coos County shall manage
2 the Coos Bay Wagon Road Grant lands over which
3 management authority is transferred under sub-
4 section (a) consistent with section 214, and for pur-
5 poses of applying such section, “Board of Trustees”
6 shall be deemed to mean “Coos County” and “O&C
7 Trust lands” shall be deemed to mean the trans-
8 ferred lands.

9 (2) RESPONSIBILITY FOR MANAGEMENT
10 COSTS.—Coos County shall be responsible for all
11 management and administrative costs of the Coos
12 Bay Wagon Road Grant lands over which manage-
13 ment authority is transferred under subsection (a).

14 (3) MANAGEMENT CONTRACTS.—Coos County
15 may contract, if competitively bid, with one or more
16 public, private, or tribal entities, including (but not
17 limited to) the Coquille Indian Tribe, if such entities
18 are substantially based in Coos or Douglas Counties,
19 Oregon, to manage and administer the lands.

20 (d) TREATMENT OF REVENUES.—

21 (1) IN GENERAL.—All revenues generated from
22 the Coos Bay Wagon Road Grant lands over which
23 management authority is transferred under sub-
24 section (a) shall be deposited in the general fund of

1 the Coos County treasury to be used as are other
2 unrestricted county funds.

3 (2) PAYMENT TO TREASURY.—As soon as prac-
4 ticable after the end of the third fiscal year of the
5 transition period and each of the subsequent seven
6 fiscal years, Coos County shall submit a payment of
7 \$400,000 to the United States Treasury.

8 (3) PAYMENT TO DOUGLAS COUNTY.—Begin-
9 ning with the first fiscal year for which management
10 of the Coos Bay Wagon Road Grant lands over
11 which management authority is transferred under
12 subsection (a) generates net positive revenues, and
13 for all subsequent fiscal years, Coos County shall
14 transmit a payment to the general fund of the Doug-
15 las County treasury from the net revenues generated
16 from the lands. The payment shall be made as soon
17 as practicable following the end of each fiscal year
18 and the amount of the payment shall bear the same
19 proportion to total net revenues for the fiscal year
20 as the proportion of the Coos Bay Wagon Road
21 Grant lands in Douglas County in relation to all
22 Coos Bay Wagon Road Grant lands in Coos and
23 Douglas Counties as of January 1, 2011.

1 **SEC. 302. TRANSFER OF CERTAIN COOS BAY WAGON ROAD**
2 **GRANT LANDS TO FOREST SERVICE.**

3 (a) TRANSFER REQUIRED.—The Secretary of the In-
4 terior shall transfer administrative jurisdiction over the
5 Coos Bay Wagon Road Grant lands excluded by section
6 301(b) to the Secretary of Agriculture for inclusion in the
7 National Forest System and administration by the Forest
8 Service as provided in section 232.

9 (b) TREATMENT OF REVENUES.—All revenues gen-
10 erated by Forest Service activities during a fiscal year on
11 any lands transferred to the Secretary of Agriculture
12 under subsection (a) shall continue to be deposited in, and
13 distributed from, the Treasury of the United States as
14 provided in the first section of the Act of May 24, 1939
15 (43 U.S.C. 1181f–1).

16 **SEC. 303. LAND EXCHANGE AUTHORITY.**

17 Coos County may recommend land exchanges to the
18 Secretary of Agriculture and carry out such land ex-
19 changes in the manner provided in section 216.

20 **SEC. 304. CONTINUED TREATMENT OF COOS BAY WAGON**
21 **ROAD GRANT LANDS AS FEDERAL LAND FOR**
22 **CERTAIN PURPOSES.**

23 (a) EXEMPTION FROM PROPERTY AND SEVERANCE
24 TAXES.—The Coos Bay Wagon Road Grant lands over
25 which management authority is transferred to Coos Coun-
26 ty under section 301(a), and resources thereon and the

1 severance of such resources, shall continue to be exempt
2 from State and local property and severance taxes in the
3 same manner as are other lands whose title is held by the
4 United States.

5 (b) INCOMES AND OTHER TAXES.—Revenue gen-
6 erated by the Coos Bay Wagon Road Grant lands over
7 which management authority is transferred to Coos Coun-
8 ty under section 301(a) shall be exempt from all Federal,
9 State, and local income and other taxes.

10 **TITLE IV—NATIONAL** 11 **MONUMENT DESIGNATION**

12 **SEC. 401. LIMITATION ON DESIGNATION OF NATIONAL** 13 **MONUMENTS ON CERTAIN LANDS IN OR-** 14 **EGON.**

15 A national monument designation under the Act of
16 June 8, 1906 (commonly known as the Antiquities Act;
17 16 U.S.C. 431 et seq.) within or on any portion of the
18 Oregon and California Railroad Grant Lands, regardless
19 of whether management authority over the lands are
20 transferred to the O&C Trust pursuant to section
21 211(c)(1), the lands are excluded from the O&C Trust
22 pursuant to section 211(c)(2), or the lands are transferred
23 to the Forest Service under section 231, shall only be
24 made pursuant to Congressional approval in an Act of
25 Congress.

1 **TITLE V—OREGON TREASURES**
2 **Subtitle A—Wilderness Areas**

3 **SEC. 501. DESIGNATION OF DEVIL’S STAIRCASE WILDER-**
4 **NESS.**

5 (a) DESIGNATION.—In furtherance of the purposes of
6 the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal
7 land in the State of Oregon administered by the Forest
8 Service and the Bureau of Land Management, comprising
9 approximately 30,520 acres, as generally depicted on the
10 map titled “Devil’s Staircase Wilderness Proposal”, dated
11 October 26, 2009, are designated as a wilderness area for
12 inclusion in the National Wilderness Preservation System
13 and to be known as the “Devil’s Staircase Wilderness”.

14 (b) MAP AND LEGAL DESCRIPTION.—As soon as
15 practicable after the date of the enactment of this Act,
16 the Secretary shall file with the Committee on Natural Re-
17 sources of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Senate
19 a map and legal description of wilderness area designated
20 by subsection (a). The map and legal description shall
21 have the same force and effect as if included in this Act,
22 except that the Secretary may correct clerical and typo-
23 graphical errors in the map and description. In the case
24 of any discrepancy between the acreage specified in sub-
25 section (a) and the map, the map shall control. The map

1 and legal description shall be on file and available for pub-
2 lie inspection in the Office of the Chief of the Forest Serv-
3 ice.

4 (c) ADMINISTRATION.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights, the Devil’s Staircase Wilderness Area shall be
7 administered by the Secretaries of Agriculture and
8 the Interior, in accordance with the Wilderness Act
9 and the Oregon Wilderness Act of 1984, except that,
10 with respect to the wilderness area, any reference in
11 the Wilderness Act to the effective date of that Act
12 shall be deemed to be a reference to the date of the
13 enactment of this Act.

14 (2) FOREST SERVICE ROADS.—As provided in
15 section 4(d)(1) of the Wilderness Act (16 U.S.C.
16 1133(d)(1)), the Secretary of Agriculture shall—

17 (A) decommission any National Forest
18 System road within the wilderness boundaries;
19 and

20 (B) convert Forest Service Road 4100
21 within the wilderness boundary to a trail for
22 primitive recreational use.

23 (d) INCORPORATION OF ACQUIRED LAND AND IN-
24 TERESTS.—Any land within the boundary of the wilder-

1 wilderness area designated by this section that is acquired by
2 the United States shall—

3 (1) become part of the Devil’s Staircase Wilder-
4 ness Area; and

5 (2) be managed in accordance with this section
6 and any other applicable law.

7 (e) FISH AND WILDLIFE.—Nothing in this section
8 shall be construed as affecting the jurisdiction or respon-
9 sibilities of the State of Oregon with respect to wildlife
10 and fish in the national forests.

11 (f) BUFFER ZONES.—

12 (1) IN GENERAL.—As provided in the Oregon
13 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
14 lic Law 98–328), Congress does not intend for des-
15 ignation of the wilderness area under this section to
16 lead to the creation of protective perimeters or buff-
17 er zones around the wilderness area.

18 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

19 The fact that nonwilderness activities or uses can be
20 seen or heard from within a wilderness area shall
21 not, of itself, preclude the activities or uses up to the
22 boundary of the wilderness area.

23 (g) WITHDRAWAL.—Subject to valid rights in exist-
24 ence on the date of enactment of this Act, the Federal

1 land designated as wilderness area by this section is with-
2 drawn from all forms of—

3 (1) entry, appropriation, or disposal under the
4 public land laws;

5 (2) location, entry, and patent under the mining
6 laws; and

7 (3) disposition under all laws pertaining to min-
8 eral and geothermal leasing or mineral materials.

9 (h) PROTECTION OF TRIBAL RIGHTS.—Nothing in
10 this section shall be construed to diminish—

11 (1) the existing rights of any Indian tribe; or

12 (2) tribal rights regarding access to Federal
13 lands for tribal activities, including spiritual, cul-
14 tural, and traditional food gathering activities.

15 **SEC. 502. EXPANSION OF WILD ROGUE WILDERNESS AREA.**

16 (a) EXPANSION.—In accordance with the Wilderness
17 Act (16 U.S.C. 1131 et seq.), certain Federal land man-
18 aged by the Bureau of Land Management, comprising ap-
19 proximately 58,100 acres, as generally depicted on the
20 map entitled “Wild Rogue”, dated September 16, 2010,
21 are hereby included in the Wild Rogue Wilderness, a com-
22 ponent of the National Wilderness Preservation System.

23 (b) MAPS AND LEGAL DESCRIPTIONS.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, the Secretary of

1 the Interior shall file a map and a legal description
2 of the wilderness area designated by this section,
3 with—

4 (A) the Committee on Energy and Natural
5 Resources of the Senate; and

6 (B) the Committee on Natural Resources
7 of the House of Representatives.

8 (2) FORCE OF LAW.—The maps and legal de-
9 scriptions filed under paragraph (1) shall have the
10 same force and effect as if included in this title, ex-
11 cept that the Secretary may correct typographical
12 errors in the maps and legal descriptions.

13 (3) PUBLIC AVAILABILITY.—Each map and
14 legal description filed under paragraph (1) shall be
15 on file and available for public inspection in the ap-
16 propriate offices of the Forest Service.

17 (c) ADMINISTRATION.—Subject to valid existing
18 rights, the area designated as wilderness by this section
19 shall be administered by the Secretary of Agriculture in
20 accordance with the Wilderness Act (16 U.S.C. 1131 et
21 seq.).

22 (d) WITHDRAWAL.—Subject to valid rights in exist-
23 ence on the date of enactment of this Act, the Federal
24 land designated as wilderness by this section is withdrawn
25 from all forms of—

1 (1) entry, appropriation, or disposal under the
2 public land laws;

3 (2) location, entry, and patent under the mining
4 laws; and

5 (3) disposition under all laws pertaining to min-
6 eral and geothermal leasing or mineral materials.

7 **Subtitle B—Wild and Scenic River**
8 **Designated and Related Protec-**
9 **tions**

10 **SEC. 511. WILD AND SCENIC RIVER DESIGNATIONS,**
11 **MOLALLA RIVER.**

12 (a) DESIGNATIONS.—Section 3(a) of the Wild and
13 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
14 ing at the end the following:

15 “(_____) MOLALLA RIVER, OREGON.—

16 “(A) IN GENERAL.—The following seg-
17 ments in the State of Oregon, to be adminis-
18 tered by the Secretary of the Interior as a rec-
19 reational river:

20 “(i) MOLALLA RIVER.—The approxi-
21 mately 15.1-mile segment from the south-
22 ern boundary line of T. 7 S., R. 4 E., sec.
23 19, downstream to the edge of the Bureau
24 of Land Management boundary in T. 6 S.,
25 R. 3 E., sec. 7.

1 “(ii) TABLE ROCK FORK MOLALLA
2 RIVER.—The approximately 6.2-mile seg-
3 ment from the easternmost Bureau of
4 Land Management boundary line in the
5 NE¹/₄ sec. 4, T. 7 S., R. 4 E., downstream
6 to the confluence with the Molalla River.

7 “(B) WITHDRAWAL.—Subject to valid ex-
8 isting rights, the Federal land within the
9 boundaries of the river segments designated by
10 subparagraph (A) is withdrawn from all forms
11 of—

12 “(i) entry, appropriation, or disposal
13 under the public land laws;

14 “(ii) location, entry, and patent under
15 the mining laws; and

16 “(iii) disposition under all laws relat-
17 ing to mineral and geothermal leasing or
18 mineral materials.”.

19 (b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of
20 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102))
21 is amended—

22 (1) in the heading, by striking “SQUAW CREEK”
23 and inserting “WHYCHUS CREEK”;

24 (2) in the matter preceding subparagraph (A),
25 by striking “McAllister Ditch, including the Soap

1 Fork Squaw Creek, the North Fork, the South
2 Fork, the East and West Forks of Park Creek, and
3 Park Creek Fork” and inserting “Plainview Ditch,
4 including the Soap Creek, the North and South
5 Forks of Whychus Creek, the East and West Forks
6 of Park Creek, and Park Creek”; and

7 (3) in subparagraph (B), by striking
8 “McAllister Ditch” and inserting “Plainview Ditch”.

9 **SEC. 512. WILD AND SCENIC RIVERS ACT TECHNICAL COR-**
10 **RECTIONS RELATED TO CHETCO RIVER.**

11 Section 3(a)(69) of the Wild and Scenic Rivers Act
12 (16 U.S.C. 1274(a)(69)) is amended—

13 (1) by inserting before the “The 44.5-mile” the
14 following:

15 “(A) DESIGNATIONS.—”;

16 (2) by redesignating subparagraphs (A), (B),
17 and (C) as clauses (i), (ii), and (iii), respectively;

18 (3) in clause (i), as redesignated—

19 (A) by striking “25.5-mile” and inserting
20 “27.5-mile”; and

21 (B) by striking “Boulder Creek at the
22 Kalmiopsis Wilderness boundary” and inserting
23 “Mislatah Creek”;

24 (4) in clause (ii), as redesignated—

25 (A) by striking “8” and inserting “7.5”;

1 (B) by striking “Boulder Creek” and in-
2 serting “Mislatah Creek”; and

3 (C) by striking “Steel Bridge” and insert-
4 ing “Eagle Creek”;

5 (5) in clause (iii), as redesignated—

6 (A) by striking “11” and inserting “9.5”;

7 and

8 (B) by striking “Steel Bridge” and insert-
9 ing “Eagle Creek”; and

10 (6) by adding at the end the following:

11 “(B) WITHDRAWAL.—Subject to valid
12 rights, the Federal land within the boundaries
13 of the river segments designated by subpara-
14 graph (A), is withdrawn from all forms of—

15 “(i) entry, appropriation, or disposal
16 under the public land laws;

17 “(ii) location, entry, and patent under
18 the mining laws; and

19 “(iii) disposition under all laws per-
20 taining to mineral and geothermal leasing
21 or mineral materials.”.

1 **SEC. 513. WILD AND SCENIC RIVER DESIGNATIONS,**
2 **WASSON CREEK AND FRANKLIN CREEK.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)) is amended by inserting the following
5 paragraphs:

6 “(____) FRANKLIN CREEK, OREGON.—The 4.5-
7 mile segment from the headwaters to the private
8 land boundary in section 8 to be administered by the
9 Secretary of Agriculture as a wild river.

10 “(____) WASSON CREEK, OREGON.—

11 “(A) The 4.2-mile segment from the east-
12 ern edge of section 17 downstream to the
13 boundary of sections 11 and 12 to be adminis-
14 tered by the Secretary of Interior as a wild
15 river.

16 “(B) The 5.9-mile segment downstream
17 from the boundary of sections 11 and 12 to the
18 private land boundary in section 22 to be ad-
19 ministered by the Secretary of Agriculture as a
20 wild river.”.

21 **SEC. 514. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
22 **RIVER AREA.**

23 (a) DESIGNATIONS.—Section 3(a)(5) of the Wild and
24 Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the
25 Rogue River, Oregon) is amended by adding at the end
26 the following:

1 “In addition to the segment described in the
2 previous sentence, the following segments in the
3 Rogue River area are designated:

4 “(A) KELSEY CREEK.—The approximately
5 4.8 miles of Kelsey Creek from east section line
6 of T32S, R9W, sec. 34, W.M. to the confluence
7 with the Rogue River as a wild river.

8 “(B) EAST FORK KELSEY CREEK.—The
9 approximately 4.6 miles of East Fork Kelsey
10 Creek from the Wild Rogue Wilderness bound-
11 ary in T33S, R8W, sec. 5, W.M. to the con-
12 fluence with Kelsey Creek as a wild river.

13 “(C) WHISKY CREEK.—

14 “(i) The approximately 0.6 miles of
15 Whisky Creek from the confluence of the
16 East Fork and West Fork to 0.1 miles
17 downstream from road 33-8-23 as a rec-
18 reational river.

19 “(ii) The approximately 1.9 miles of
20 Whisky Creek from 0.1 miles downstream
21 from road 33-8-23 to the confluence with
22 the Rogue River as a wild river.

23 “(D) EAST FORK WHISKY CREEK.—

24 “(i) The approximately 2.8 miles of
25 East Fork Whisky Creek from the Wild

1 Rogue Wilderness boundary in T33S,
2 R8W, sec. 11, W.M. to 0.1 miles down-
3 stream of road 33-8-26 crossing as a wild
4 river.

5 “(ii) The approximately .3 miles of
6 East Fork Whisky Creek from 0.1 miles
7 downstream of road 33-8-26 to the con-
8 fluence with Whisky Creek as a rec-
9 reational river.

10 “(E) WEST FORK WHISKY CREEK.—The
11 approximately 4.8 miles of West Fork Whisky
12 Creek from its headwaters to the confluence
13 with Whisky Creek as a wild river.

14 “(F) BIG WINDY CREEK.—

15 “(i) The approximately 1.5 miles of
16 Big Windy Creek from its headwaters to
17 0.1 miles downstream from road 34-9-17.1
18 as a scenic river.

19 “(ii) The approximately 5.8 miles of
20 Big Windy Creek from 0.1 miles down-
21 stream from road 34-9-17.1 to the con-
22 fluence with the Rogue River as a wild
23 river.

24 “(G) EAST FORK BIG WINDY CREEK.—

1 “(i) The approximately 0.2 miles of
2 East Fork Big Windy Creek from its head-
3 waters to 0.1 miles downstream from road
4 34-8-36 as a scenic river.

5 “(ii) The approximately 3.7 miles of
6 East Fork Big Windy Creek from 0.1
7 miles downstream from road 34-8-36 to
8 the confluence with Big Windy Creek as a
9 wild river.

10 “(H) LITTLE WINDY CREEK.—The ap-
11 proximately 1.9 miles of Little Windy Creek
12 from 0.1 miles downstream of road 34-8-36 to
13 the confluence with the Rogue River as a wild
14 river.

15 “(I) HOWARD CREEK.—

16 “(i) The approximately 0.3 miles of
17 Howard Creek from its headwaters to 0.1
18 miles downstream of road 34-9-34 as a
19 scenic river.

20 “(ii) The approximately 6.9 miles of
21 Howard Creek from 0.1 miles downstream
22 of road 34-9-34 to the confluence with the
23 Rogue River as a wild river.

24 “(J) MULE CREEK.—The approximately
25 6.3 miles of Mule Creek from east section line

1 of T32S, R10W, sec. 25, W.M to the confluence
2 with the Rogue River as a wild river.

3 “(K) ANNA CREEK.—The approximately
4 3.5-mile section of Anna Creek from its head-
5 waters to the confluence with Howard Creek as
6 a wild river.

7 “(L) MISSOURI CREEK.—The approxi-
8 mately 1.6 miles of Missouri Creek from the
9 Wild Rogue Wilderness boundary in T33S,
10 R10W, sec. 24, W.M. to the confluence with the
11 Rogue River as a wild river.

12 “(M) JENNY CREEK.—The approximately
13 1.8 miles of Jenny Creek from the Wild Rogue
14 Wilderness boundary in T33S, R9W, sec.28,
15 W.M. to the confluence with the Rogue River as
16 a wild river.

17 “(N) RUM CREEK.—The approximately 2.2
18 miles of Rum Creek from the Wild Rogue Wil-
19 derness boundary in T34S, R8W, sec. 9, W.M.
20 to the confluence with the Rogue River as a
21 wild river.

22 “(O) EAST FORK RUM CREEK.—The ap-
23 proximately 1.5 miles of East Rum Creek from
24 the Wild Rogue Wilderness boundary in T34S,

1 R8W, sec. 10, W.M. to the confluence with
2 Rum Creek as a wild river.

3 “(P) WILDCAT CREEK.—The approxi-
4 mately 1.7-mile section of Wildcat Creek from
5 its headwaters downstream to the confluence
6 with the Rogue River as a wild river.

7 “(Q) MONTGOMERY CREEK.—The approxi-
8 mately 1.8-mile section of Montgomery Creek
9 from its headwaters downstream to the con-
10 fluence with the Rogue River as a wild river.

11 “(R) HEWITT CREEK.—The approximately
12 1.2 miles of Hewitt Creek from the Wild Rogue
13 Wilderness boundary in T33S, R9W, sec. 19,
14 W.M. to the confluence with the Rogue River as
15 a wild river.

16 “(S) BUNKER CREEK.—The approximately
17 6.6 miles of Bunker Creek from its headwaters
18 to the confluence with the Rogue River as a
19 wild river.

20 “(T) DULOG CREEK.—

21 “(i) The approximately 0.8 miles of
22 Dulog Creek from its headwaters to 0.1
23 miles downstream of road 34-8-36 as a
24 scenic river.

1 “(ii) The approximately 1.0 miles of
2 Dulog Creek from 0.1 miles downstream of
3 road 34-8-36 to the confluence with the
4 Rogue River as a wild river.

5 “(U) QUAIL CREEK.—The approximately
6 1.7 miles of Quail Creek from the Wild Rogue
7 Wilderness boundary in T33S, R10W, sec. 1,
8 W.M. to the confluence with the Rogue River as
9 a wild river.

10 “(V) MEADOW CREEK.—The approxi-
11 mately 4.1 miles of Meadow Creek from its
12 headwaters to the confluence with the Rogue
13 River as a wild river.

14 “(W) RUSSIAN CREEK.—The approxi-
15 mately 2.5 miles of Russian Creek from the
16 Wild Rogue Wilderness boundary in T33S,
17 R8W, sec. 20, W.M. to the confluence with the
18 Rogue River as a wild river.

19 “(X) ALDER CREEK.—The approximately
20 1.2 miles of Alder Creek from its headwaters to
21 the confluence with the Rogue River as a wild
22 river.

23 “(Y) BOOZE CREEK.—The approximately
24 1.5 miles of Booze Creek from its headwaters

1 to the confluence with the Rogue River as a
2 wild river.

3 “(Z) BRONCO CREEK.—The approximately
4 1.8 miles of Bronco Creek from its headwaters
5 to the confluence with the Rogue River as a
6 wild river.

7 “(AA) COPSEY CREEK.—The approxi-
8 mately 1.5 miles of Copsey Creek from its head-
9 waters to the confluence with the Rogue River
10 as a wild river.

11 “(BB) CORRAL CREEK.—The approxi-
12 mately 0.5 miles of Corral Creek from its head-
13 waters to the confluence with the Rogue River
14 as a wild river.

15 “(CC) COWLEY CREEK.—The approxi-
16 mately 0.9 miles of Cowley Creek from its head-
17 waters to the confluence with the Rogue River
18 as a wild river.

19 “(DD) DITCH CREEK.—The approximately
20 1.8 miles of Ditch Creek from the Wild Rogue
21 Wilderness boundary in T33S, R9W, sec. 5,
22 W.M. to its confluence with the Rogue River as
23 a wild river.

24 “(EE) FRANCIS CREEK.—The approxi-
25 mately 0.9 miles of Francis Creek from its

1 headwaters to the confluence with the Rogue
2 River as a wild river.

3 “(FF) LONG GULCH.—The approximately
4 1.1 miles of Long Gulch from the Wild Rogue
5 Wilderness boundary in T33S, R10W, sec. 23,
6 W.M. to the confluence with the Rogue River as
7 a wild river.

8 “(GG) BAILEY CREEK.—The approxi-
9 mately 1.7 miles of Bailey Creek from the west
10 section line of T34S, R8W, sec.14, W.M. to the
11 confluence of the Rogue River as a wild river.

12 “(HH) SHADY CREEK.—The approxi-
13 mately 0.7 miles of Shady Creek from its head-
14 waters to the confluence with the Rogue River
15 as a wild river.

16 “(II) SLIDE CREEK.—

17 “(i) The approximately 0.5-mile sec-
18 tion of Slide Creek from its headwaters to
19 0.1 miles downstream from road 33-9-6 as
20 a scenic river.

21 “(ii) The approximately 0.7-mile sec-
22 tion of Slide Creek from 0.1 miles down-
23 stream of road 33-9-6 to the confluence
24 with the Rogue River as a wild river.”.

1 (b) MANAGEMENT.—All wild, scenic, and recreation
2 classified segments designated by the amendment made by
3 subsection (a) shall be managed as part of the Rogue Wild
4 and Scenic River.

5 (c) WITHDRAWAL.—Subject to valid rights, the Fed-
6 eral land within the boundaries of the river segments des-
7 ignated by the amendment made by subsection (a) is with-
8 drawn from all forms of—

9 (1) entry, appropriation, or disposal under the
10 public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) disposition under all laws pertaining to min-
14 eral and geothermal leasing or mineral materials.

15 **SEC. 515. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
16 **TRIBUTARIES.**

17 (a) WITHDRAWAL.—Subject to valid rights, the Fed-
18 eral land within a quarter-mile on each side of the streams
19 listed in subsection (b) is withdrawn from all forms of—

20 (1) entry, appropriation, or disposal under the
21 public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) disposition under all laws pertaining to min-
25 eral and geothermal leasing or mineral materials.

1 (b) STREAM SEGMENTS.—Subsection (a) applies the
2 following tributaries of the Rogue River:

3 (1) KELSEY CREEK.—The approximately 4.5
4 miles of Kelsey Creek from its headwaters to the
5 east section line of 32S 9W sec. 34.

6 (2) EAST FORK KELSEY CREEK.—The approxi-
7 mately .2 miles of East Fork Kelsey Creek from its
8 headwaters to the Wild Rogue Wilderness boundary
9 in 33S 8W sec. 5.

10 (3) EAST FORK WHISKY CREEK.—The approxi-
11 mately .7 miles of East Fork Whisky Creek from its
12 headwaters to the Wild Rogue Wilderness boundary
13 in 33S 8W section 11.

14 (4) LITTLE WINDY CREEK.—The approximately
15 1.2 miles of Little Windy Creek from its headwaters
16 to west section line of 33S 9W sec. 34.

17 (5) MULE CREEK.—The approximately 5.1
18 miles of Mule Creek from its headwaters to east sec-
19 tion line of 32S 10W sec. 25.

20 (6) MISSOURI CREEK.—The approximately 3.1
21 miles of Missouri Creek from its headwaters to the
22 Wild Rogue Wilderness boundary in 33S 10W sec.
23 24.

24 (7) JENNY CREEK.—The approximately 3.1
25 miles of Jenny Creek from its headwaters to the

1 Wild Rogue Wilderness boundary in 33S 9W sec.
2 28.

3 (8) RUM CREEK.—The approximately 2.2 miles
4 of Rum Creek from its headwaters to the Wild
5 Rogue Wilderness boundary in 34S 8W sec. 9.

6 (9) EAST FORK RUM CREEK.—The approxi-
7 mately .5 miles of East Fork Rum Creek from its
8 headwaters to the Wild Rogue Wilderness boundary
9 in 34S 8W sec. 10.

10 (10) HEWITT CREEK.—The approximately 1.4
11 miles of Hewitt Creek from its headwaters to the
12 Wild Rogue Wilderness boundary in 33S 9W sec.
13 19.

14 (11) QUAIL CREEK.—The approximately .8
15 miles of Quail Creek from its headwaters to the Wild
16 Rogue Wilderness boundary in 33S 10W sec. 1.

17 (12) RUSSIAN CREEK.—The approximately .1
18 miles of Russian Creek from its headwaters to the
19 Wild Rogue Wilderness boundary in 33S 8W sec.
20 20.

21 (13) DITCH CREEK.—The approximately .7
22 miles of Ditch Creek from its headwaters to the
23 Wild Rogue Wilderness boundary in 33S 9W sec. 5.

1 (14) LONG GULCH.—The approximately 1.4
2 miles of Long Gulch from its headwaters to the Wild
3 Rogue Wilderness boundary in 33S 10W sec. 23.

4 (15) BAILEY CREEK.—The approximately 1.4
5 miles of Bailey Creek from its headwaters to west
6 section line of 34S 8W sec. 14.

7 (16) QUARTZ CREEK.—The approximately 3.3
8 miles of Quartz Creek from its headwaters to its
9 confluence with the North Fork Galice Creek.

10 (17) NORTH FORK GALICE CREEK.—The ap-
11 proximately 5.7 miles of the North Fork Galice
12 Creek from its headwaters to its confluence with
13 Galice Creek.

14 (18) GRAVE CREEK.—The approximately 10.2
15 mile section of Grave Creek from the confluence of
16 Wolf Creek downstream to the confluence with the
17 Rogue River.

18 (19) CENTENNIAL GULCH.—The approximately
19 2.2 miles of Centennial Gulch from its headwaters to
20 its confluence with the Rogue River.

21 **Subtitle C—Effective Date**

22 **SEC. 531. EFFECTIVE DATE.**

23 (a) IN GENERAL.—This title and the amendments
24 made by this title shall take effect on October 1 of the
25 second fiscal year of the transition period.

1 (b) EXCEPTION.—If, as a result of judicial review au-
2 thORIZED by section 212, any provision of title I is held
3 to be invalid and implementation of the provision or any
4 activity conducted under the provision is enjoined, this
5 title and the amendments made by this title shall not take
6 effect, or if the effective date specified in subsection (a)
7 has already occurred, this title shall have no force and ef-
8 fect and the amendments made by this title are repealed.